



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 120-30 – Regulations Governing Polygraph Examiners Department of Professional and Occupational Regulation October 26, 2005

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Board of Polygraph Examiners proposes to amend the Regulations Governing Polygraph Examiners in several substantive ways:

- To facilitate online submission of applications, applicants for licensure will no longer be required to submit signed affidavits certifying that they have read and understand the sections of Virginia law and the Administrative Code that deal with polygraph examiner licensure.
- Applicants for licensure will submit a record of current Central Criminal Records Exchange (CCRE) with their application rather than submitting fingerprint cards as is required currently.
- Lawyers that are licensed in any state or jurisdiction of the United States will be allowed to provide instruction on the "Legal Aspects of Polygraph Examination" at polygraph

examiner schools (polygraphy schools). Currently, instructors must be members of the Virginia State Bar.

Estimated Economic Impact

Current regulation requires that individuals applying for licensure as polygraph examiners submit, as part of their application packet, a signed affidavit certifying that the applicant has read and understands all sections of Virginia legislative and administrative code that regulate polygraph examiner licensing. The board proposes to eliminate the requirement for this affidavit so that applicants will be able to submit their applications electronically. E-applications will still require applicants to indicate that they understand laws and regulations as they pertain to the licensing process, but applicants will no longer be required to sign an affidavit and have it notarized. This regulatory change will benefit the regulated community since it will make the application process easier and will save the cost of notarization.

Current regulation also requires applicants for licensure to submit fingerprint cards with their application. The Virginia State Police (VSP), however, will no longer process fingerprint checks for boards or other departments that do not have a specific statutory requirement to fingerprint applicants. Because of this change in VSP policy, the board will now require a current CCRE report be submitted instead of fingerprint cards. New applicants for licensure who do not already have a current CCRE report available will be responsible for paying the \$15 fee required by the Virginia State Police. The board reports that most applicants are law enforcement officers who would already have a current CCRE.

Polygraphy schools may currently hire only members of the Virginia State Bar to teach about the legal aspects of polygraph examination. This proposed regulation will allow lawyers who are licensed in any jurisdiction in the United States to be hired for these positions. Currently, there are two polygraphy schools in Virginia so only two instructor positions will be affected by this change in regulation. Polygraphy schools will benefit, however, from being able to choose the most qualified candidate from a now larger pool of possible employees. These schools might also, in theory, see some cost savings as more applicants compete for a fixed number of jobs and wages are bid down.

Businesses and Entities Affected

There are approximately 350 licensed polygraph examiners in the Commonwealth; in addition, the board receives between 10 and 15 applications for new licenses each year. There are two polygraphy schools in Virginia and, consequently, there are two instructor positions that will be affected by the proposed regulation.

Localities Particularly Affected

The proposed regulation will affect all localities in the Commonwealth.

Projected Impact on Employment

Although the proposed regulation will allow lawyers licensed in jurisdictions other than Virginia to pursue employment opportunities at Virginia polygraphy schools, this is likely to have no discernable impact on employment. No new polygraphy schools are likely to open in Virginia since only 10-15 people seek licensure as polygraphy examiners in any given year. The pool of instructors from which these schools may hire will be larger but, everything else held constant, there will be no more jobs to fill than there are currently.

Effects on the Use and Value of Private Property

Polygraphy schools may see some cost saving if opening legal instruction jobs to a larger group of lawyers drives wages down. The net worth of these schools would increase by an amount equal to those savings if wages drop.

Small Businesses: Costs and Other Effects

The proposed regulation will likely have no effect on the bookkeeping costs of regulated small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed regulation will decrease the compliance burden borne by the regulated community.